

IN THE  
Court of Appeal of the State of California

IN AND FOR THE  
Fifth Appellate District

December 3, 1999

**F029962**      **People v. Kennedy**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

**F030332**      **People v. Pineda**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

**F029879**      **People v. Esqueda, III**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

**F031464**      **People v. Donnelly**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

**F030253**      **People v. Williams**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

**F031779**      **People v. Hilliard**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

IN THE  
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IN AND FOR THE  
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December 3, 1999

**F032079**      **People v. Pena, Jr.**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F031049**      **People v. Ambriz**

Appellant's contention clearly challenges the validity of his plea. Thus, in view of Ambriz's failure to comply with section 1237.5 we find that his contention is not cognizable on appeal. Further, since this is the only issue raised in Ambriz's appeal, the appeal is hereby dismissed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F030561**      **People v. Gamiz**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F033305**      **Kendall-Jackson Winery, Ltd. v. Superior Court of Stanislaus Co.; E&J Gallo Winery**

Let a preptory writ of mandate issue directing the trial court to vacate its order granting Gallo's motion for summary adjudication of Kendall-Jackson's unclean hands affirmative defense and to enter a new order denying the motion. The order to show cause is discharged and the stay of trial previously issued by this court is vacated. Kendall-Jackson shall recover its costs in this proceeding. Thaxter, Acting P.J.

We concur: Harris, J.; Buckley, J.

[CERTIFIED FOR PUBLICATION]

IN THE  
Court of Appeal of the State of California

IN AND FOR THE  
Fifth Appellate District

December 3, 1999

**F030351**      **People v. Porter**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

In the Matter of the Assignment of the Hon. William A. Stone to Sit as a Justice of this Court.

IT IS ORDERED that the assignment of the Hon. William A. Stone, Retired Associate Justice of the Court of Appeal, Fifth Appellate District, to assist this court be spread upon the minutes in full nunc pro tunc.

CHAMBERS OF THE CHIEF JUSTICE SUPREME COURT OF CALIFORNIA  
350 Mc Allister Street  
San Francisco, CA 94102-3600

106146-99

THE HONORABLE WILLIAM A. STONE, Retired Associate Justice of the Court of Appeal, Fifth Appellate District, is hereby assigned to assist the Court of Appeal, Fifth Appellate District, as a justice thereof, on the following dates(s):

October 1, 1999                      to                      October 20, 1999

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

IN THE  
Court of Appeal of the State of California

IN AND FOR THE  
Fifth Appellate District

December 3, 1999

In the Matter of the Assignment of the Hon. Dennis A. Cornell to Sit as a Justice of this Court.

IT IS ORDERED that the assignment of the Hon. Dennis A. Cornell, Judge of the Superior Court of California, County of Merced, to assist this court be spread upon the minutes in full nunc pro tunc.

CHAMBERS OF THE CHIEF JUSTICE SUPREME COURT OF CALIFORNIA  
350 Mc Allister Street  
San Francisco, CA 94102-3600

106180-99

THE HONORABLE DENNIS A. CORNELL, Judge of the Superior Court of California, County of Merced, is hereby assigned to assist the Court of Appeal, Fifth Appellate District, as a justice thereof, on the following dates(s):

October 1, 1999                      to                      October 31, 1999

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

IN THE  
Court of Appeal of the State of California

IN AND FOR THE  
Fifth Appellate District

December 3, 1999

In the Matter of the Assignment of the Hon. William Silveira, Jr., to Sit as a Justice of this Court.

IT IS ORDERED that the assignment of the Hon. William Silveira, Jr., Judge of the Superior Court of California, County of Tulare, to assist this court be spread upon the minutes in full nunc pro tunc.

CHAMBERS OF THE CHIEF JUSTICE SUPREME COURT OF CALIFORNIA  
350 Mc Allister Street  
San Francisco, CA 94102-3600

106181-99

THE HONORABLE WILLIAM SILVEIRA, JR., Judge of the Superior Court of California, County of Tulare, is hereby assigned to assist the Court of Appeal, Fifth Appellate District, as a justice thereof, on the following dates(s):

November 1, 1999                      to                      November 30, 1999

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

IN THE  
Court of Appeal of the State of California

IN AND FOR THE  
Fifth Appellate District

December 3, 1999

In the Matter of the Assignment of the Hon. William A. Stone to Sit as a Justice of this Court.

IT IS ORDERED that the assignment of the Hon. William A. Stone, Retired Associate Justice of the Court of Appeal, Fifth Appellate District, to assist this court be spread upon the minutes in full nunc pro tunc.

CHAMBERS OF THE CHIEF JUSTICE SUPREME COURT OF CALIFORNIA  
350 Mc Allister Street  
San Francisco, CA 94102-3600

106539-99

THE HONORABLE WILLIAM A. STONE, Retired Associate Justice of the Court of Appeal, Fifth Appellate District, is hereby assigned to assist the Court of Appeal, Fifth Appellate District, as a justice thereof, on the following date(s):

October 27, 1999 to November 3, 1999

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

**F030592 People v. Hernandez**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

**F034251 In re Armando B. G., a Minor**

IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

IN THE  
Court of Appeal of the State of California

IN AND FOR THE  
Fifth Appellate District

December 3, 1999

**F027210**      **People v. Flowers**

The judgment of convictions is affirmed, with the exception of count 6, which is reversed. The matter is remanded for resentencing. The court is directed to impose the enhancements alleged and proved as to count 1, or state reasons for striking them per the requirements of sections 1170.1, subdivision (h), or 1385. Wiseman, J.

We concur: Ardaiz, P.J.; Thaxter, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F030964**      **People v. Buffer**

The probation condition that defendant consent to warrantless searches and seizures is ordered stricken. The judgment is affirmed in all other respects. Wiseman, J.

I concur: Buckley, J. I dissent: Ardaiz, P.J. (See dissenting opinion)

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F033972**      **Parrish P. v. The Superior Court of Kern County; Kern Co. Dept. of Human Services**

The petition is granted, etc.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]